

Recommendation Report for Planning Permission

REF NO: FG/179/17/PL

LOCATION: 11 Telgarth Road
Ferring
BN12 5PX

PROPOSAL: Application for variation of Condition No. 2 imposed under FG/180/16/HH to amend the design of the front elevation of the approved extension together with changes to openings on the North, East & West elevations. Resubmission of FG/77/17/PL

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. This application is an amendment to planning permission FG/180/16/HH. The size of the approved extensions remains unaltered, but the fenestration details have altered. The east elevation ground floor windows have been removed, the first floor windows in the north elevation have been altered to Juliet balconies and the south elevation first floor window layout has been amended to provide 3 pairs of window openings.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site is open with the side and rear boundaries consisting of a mixture block walls, close boarded fencing and caged pebbles to a height of approximately 1.8m.
SITE CHARACTERISTICS	The site is occupied by a detached two storey dwelling rendered elevations and a tiled roof. The property features 2 dormer windows on the primary elevation and 2 dormers on the rear. Building works are being undertaken on site.
CHARACTER OF LOCALITY	The character of the locality is residential and features properties of various designs and styles

RELEVANT SITE HISTORY

FG/77/17/PL	Application for variation of condition 2 imposed under FG/180/16/HH to amend the design of the front elevation of the approved extension.	Refused 07-08-17
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FG/180/16/HH	Front & rear extensions & alterations.	ApproveConditionally 04-04-17
FG/63/17/DOC	Application for approval of details reserved by condition imposed under FG/180/16/HH relating to condition 3 for schedule of materials & finishes.	DOC Approved 27-06-17

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

- None

COMMENTS ON CONSULTATION RESPONSES:

- None

POLICY CONTEXT

Designation applicable to site:

Within built area boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

DEV19	Extensions to existing residential buildings
GEN2	Built-up Area Boundary
GEN7	The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1	Aspects of Form and Design Quality
D DM4	Extensions & Alterations to Existing Buildings
D SP1	Design
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The Main Modifications to the Arun Local Plan (2011-2031) are presently out for Public Consultation over a six week period starting on Friday 12 January 2018 until 5pm on Friday 23 February 2018.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

The relevant policies of the made Littlehampton Town NP were applied when granting permission to FG/179/17/PL.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The application site is situated within the built area boundary where the principle of development is considered acceptable subject to accordance with relevant development plan policies. The key policy considerations in the determination of this application will be GEN7 & DEV19 of the Arun District Local Plan and the National Planning Policy Framework.

DESIGN AND VISUAL AMENITY

The proposal consists of the construction of a single storey extension forward of the primary elevation and the addition of single storey & two storey rear extensions which have previously been approved under FG/180/16/HH. This application relates primarily to fenestration details.

The extensions and fenestration alterations are considered to be well integrated and subservient to the host dwelling and will not have a detrimental impact upon the visual amenity of the site or the character of the host dwelling. The window openings at first floor on the front elevation of the extension which are readily visible in the street scene are now more symmetrical and balanced in appearance than previously approved. They are therefore considered to be in accordance with policies GEN7(ii) and DEV19(i) and (ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

The proposed extensions are not considered to give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on neighbours.

The windows on the rear elevation at first floor have been increased in size and now incorporate a Juliet balcony. Whilst, it is acknowledged that the windows at first floor level will be situated 4m closer to the rear boundary of the site the extension will remain approximately 17.5m from the rear boundary at first floor level. This separation distance is considered acceptable to prevent unacceptably adverse overlooking and is deemed to be in line with a large number of other residential developments. Whilst the windows are increased in depth the potential for adverse overlooking has not increased materially and these alterations are therefore acceptable.

The first floor windows in the side elevations situated on the eastern and western elevations of the proposed first floor rear extension are considered to have the potential to give rise to unacceptably adverse overlooking and as such a condition has been included in this recommendation report requiring that the windows are obscurely glazed and non-opening below 1.7m. It is also acknowledged that first floor windows will be present at first floor level on the side elevation of the existing house - however, there are already windows present in these locations and as such the alteration of these windows is not

considered to result in any additional unacceptably adverse overlooking. It is considered that the overlooking generated by these ground floor windows is not unacceptable and as such obscured glazing would be excessive. Especially when it is considered that a 4m ground floor rear extension could be constructed under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It is also considered that similar levels of overlooking could be achieved through use of the existing rear garden and that this could be prevented through the construction of a 2m high boundary treatment by neighbours who felt overlooked. Therefore, no condition or restriction is considered reasonable in relation to these ground floor windows.

Therefore, it is considered that the proposed development will accord with policies GEN7(iv) and DEV19(iii) of the Arun District Local Plan.

SUMMARY

The proposed development is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following

approved plans: Location, Proposed Site Plan - dwg. 420.00F; Proposed Ground Floor Plan - dwg. 420.01G; Proposed First Floor Plan - dwg. 420.02H; Proposed North Elevation - dwg. 420.03E; Proposed West Elevation - dwg. 420.04M; and Existing & Proposed Roof Plan - dwg. 420.05G.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development shall proceed in accordance with the schedule of materials and finishes for external walls and roofs approved under FG/63/17/DOC namely - Roof covering - Cupa H12 Spanish Natural Slates (600x300mm), Timber Cladding - Cedar Cladding (untreated) 140mm x 90mm, Front extension - Natural pebble face concrete block (South Downs Flint Co), - Render - K Rend colour off-white/cream, Guttering - natural finished galvanised metal, Windows - aluminium (dark grey), Front and garage doors - Natural Oak and Brick Work - Ibstock New Chailey Rustic Stocks.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The first floor windows located on the eastern and western elevations of the proposed first floor extension shall in perpetuity be obscurely glazed and non-opening below 1.7m from floor level of the room in which the window is installed.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.